

July 9, 2014

VIA ECF AND FACSIMILE DELIVERY

Hon. Shira A. Scheindlin
United States District Judge
Southern District of New York
500 Pearl Street, Room 1620
New York, New York 10007

Re: *In re Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation,*
Master File No. 1:00-1898, MDL 1358 (SAS), M21-88

Dear Judge Scheindlin:

We have been retained by The Hamner Institutes for Health Sciences ("The Hamner") to represent it in connection with Plaintiffs' recently filed motion with this Court. We write to address a proposed schedule for the briefing of that motion. Initially, the motion is styled as a motion to enforce protective orders' waiver and declassification provisions. According to the motion, this Court previously authorized Plaintiffs' filing of this motion in a conference held on May 13, 2014. The Hamner is not a party to this proceeding, was not present at the conference in which this motion was discussed, and was not invited to such conference. There was, however, correspondence between the parties in advance of that conference, and following it, in which Hamner's position with respect to the Plaintiffs' request was clearly expressed. Neither The Hamner nor its counsel was consulted beforehand as to an appropriate motion schedule and there is no current schedule in place, so we do not know when Hamner's papers are currently due.

Plaintiffs ultimately filed their motion nearly two months after the Court apparently authorized Plaintiffs to make the motion. Given the serious nature of Plaintiffs' motion and its possible ramifications, we respectfully request the following briefing schedule for the motion:

August 6, 2014 Papers in Opposition to Plaintiffs' Motion

August 20, 2014 Reply Papers In Support of Motion

We have proposed the above schedule to Plaintiffs' counsel and they have consented to the same. Defendants' counsel likewise has no objection to the proposed schedule. Finally, counsel for the other non-party to this proceeding, Experimental Pathology Laboratories ("EPL"), whose documents are similarly the subject of the motion at issue, has raised concerns on behalf of their

MorrisonCohen_{LLP}

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client similar to those expressed herein, and have indicated that EPL also consents to the proposed schedule.

Respectfully,

A handwritten signature in black ink, appearing to read "Donald H. Chase". The signature is fluid and cursive, with a large initial "D" and "C".

Donald H. Chase

cc: Brian Barnhart (By email)
Scott Bayzle, Esq. (By email)
Robert Cunningham, Jr. (By email)
Allison Mullins, Esq. (By email)
James Pardo, Esq. (By email)
Duane Miller, Esq. (By email)